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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION,

- and -

PACIFIC GAS AND ELECTRIC COMPANY,

Debtors.

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**REQUEST FOR ORDER BY DEFAULT AS
TO REORGANIZED DEBTORS'
OBJECTION TO CLAIM (CLAIM NO. 58462,
FILED OCTOBER 17, 2019, OF SPIRO
JANNINGS)**

[Re: Dkt. No. 11388]

**Regarding Objection Set for Hearing
January 18, 2022, at 10:00 a.m. (Pacific Time)**

- Affects PG&E Corporation
- Affects Pacific Gas and Electric Company
- Affects both Debtors

** All papers shall be filed in the Lead Case, No. 19-30088 (DM).*

REQUEST FOR ENTRY OF ORDER BY DEFAULT

PG&E Corporation (“**PG&E Corp.**”) and Pacific Gas and Electric Company (the “**Utility**”), as debtors and reorganized debtors (collectively, the “**Debtors**” or the “**Reorganized Debtors**”) in the above-captioned chapter 11 cases (the “**Chapter 11 Cases**”) hereby request, pursuant to Rule 9014-1(b)(4) of the Bankruptcy Local Rules for the United States District Court for the Northern District of California, as made applicable to these Chapter 11 Cases by the *Second Amended Order Implementing Certain Notice and Case Management Procedures*, entered on May 14, 2019 [Docket No. 1996] (“**Case Management Order**”), that the Court enter an order by default on the *Reorganized Debtors’ Objection to Claim (Claim No. 58462, Filed October 17, 2019, of Spiro Jannings)* [Docket No. 11388] (the “**Objection**”).

RELIEF REQUESTED IN THE OBJECTION

The Objection seeks to disallow and expunge the claim of Spiro Jannings (“**Claimant**” or “**Mr. Jannings**”), Claim No. 58462, filed October 17, 2019 (the “**Proof of Claim**” or “**Claim**”).

NOTICE AND SERVICE

The Reorganized Debtors filed a Notice of Hearing with respect to the Objection [Docket No. 11393] on October 8, 2021. The Objection was also supported by the declarations of Kathy Ledbetter [Docket No. 11389], James Leonard [Docket No. 11390], and Elisa Nadeau [Docket No. 11391] (together, the “**Declarations**”), and a Request for Judicial Notice [Docket No. 11392]. The Objection, the Notice of Hearing, the Declarations, and the Request for Judicial Notice were served on Mr. Jannings, through his state court litigation counsel who signed the Proof of Claim, as described in the *Certificate of Service of Sonia Akter*, filed on October 13, 2021 [Docket No. 11417].

Mr. Jannings' bankruptcy counsel first approached counsel for the Reorganized Debtors on October 23, 2021, three days before the initial response deadline on the Claim Objection, to request a continuance of the response deadline, explaining that he had recently been retained as bankruptcy counsel by Mr. Jannings. As a courtesy, the Reorganized Debtors agreed to continue the response deadline and hearing date for three months. By agreement of the parties, the response deadline on the Claim Objection was continued to January 4, 2022, at 4:00 p.m., and the hearing was continued to

1 January 18, 2022, at 10:00 a.m. [Docket No. 11488].

2 On December 28, 2021, Mr. Jannings filed a *Motion to Dismiss and Abstain* [Docket No. 3 11753] (the “**Abstention Motion**”), which requests that the Court abstain from adjudicating the Proof 4 of Claim but does not respond to the Objection. The Abstention Motion has not been set for hearing.

5 On December 30, 2021, Mr. Jannings filed the *Ex Parte Application to Enlarge Time* [Docket 6 No. 11768] (the “**Motion to Extend Time**”), seeking to continue and vacate the response and hearing 7 dates with respect to the Objection. On December 31, 2021, the Reorganized Debtors opposed the 8 Motion to Extend Time [Docket No. 11775] (the “**Opposition to Motion to Extend Time**”). That 9 same day, the Court issued a docket text order denying the Motion to Extend Time for the reasons 10 stated in the Opposition to Motion to Extend Time and keeping the hearing on the Objection on the 11 January 18, 2022, calendar.

12 As further explained in the below *Declaration of No Opposition Received*, the deadline to file a 13 response or opposition to the Objection was not further extended and remains January 4, 2022, at 14 4:00 p.m.

15 The deadline to file a response or opposition to the Objection has passed, and Mr. Jannings did 16 not file a response to the Objection.

17 **DECLARATION OF NO OPPOSITION RECEIVED**

18 The undersigned hereby declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury that:

19 1. I am an attorney with the law firm of Keller Benvenutti Kim LLP, co-counsel for the 20 Reorganized Debtors.

21 2. On December 31, 2021, at 10:40 a.m., following the Court’s denial of the Motion to 22 Extend Time, I received an email from Michael St. James, bankruptcy counsel for Mr. Jannings, 23 requesting an unspecified extension on Mr. Jannings’ time to respond to the Objection. At 11:32 a.m. 24 that same day, I responded to Mr. St. James by asking how much time he needed and telling him that 25 while the Reorganized Debtors might be amenable to a short extension of an extra day or so, I did not 26 think that the Reorganized Debtors would agree to further continue the hearing on the Objection. At 27 11:55 a.m. that same day, Mr. St. James stated that he would inquire with Mr. Jannings’ employment 28

1 counsel as to how much time was needed. I did not hear further from Mr. St. James with respect to his
2 request for an extension. Attached as **Exhibit A** hereto is a true and correct copy of my email exchange
3 with Mr. St. James on December 31, 2021.

4 3. I have reviewed the Court's docket in the Chapter 11 Cases and have determined that no
5 responses have been filed to the Objection.

6 4. This declaration was executed in San Francisco, California.

7 WHEREFORE, the Reorganized Debtors hereby request entry of an Order sustaining the
8 Objection and disallowing and expunging the Proof of Claim.

9 Dated: January 11, 2022

KELLER BENVENUTTI KIM LLP

10 By: /s/ Jane Kim
11 Jane Kim

12 *Attorneys for Debtors and Reorganized Debtors*

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